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UNITED STATES PATENT AND TRADEMARK OFFICE

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09/675,281	09/29/2000	Andrew Brown	1662-30100 (P99-2845)	1271

22879	7590	01/30/2004		EXAMINER

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EXAMINER
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ART UNIT	PAPER NUMBER
2155	i O

DATE MAILED: 01/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *17 December 2003*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-28* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-28* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

13)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application)
since a specific reference was included in the first sentence of the specification or in an Application Data Sheet.
37 CFR 1.78.

    a) ☐ The translation of the foreign language provisional application has been received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific
reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) *4* .

4)☐ Interview Summary (PTO-413) Paper No(s). _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: .

Detailed Action

Status of Claims:

Claims 1-28 are pending in this Office Action.

Applicant's amended specification is accepted.

The second paragraph 35 U.S.C. 112 rejection for claims 1,8, 22, 25, 27, and 28 is withdrawn.

Claims 1-10, and 14-17, 22-24, 28 remain rejected under 35 U.S.C. 102(a) as being anticipated by U.S. Patent No. 5,974,547 by Klimenko.

Claims 11-13, 18-21, and 25-27 remain rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,974,547 by Klimenko in view of U.S. Patent No. 6,202,091 by Godse.

Response to Arguments

Applicant's arguments filed in the amendment filed December 17, 2003, Paper No. 9, have been fully considered but they are not persuasive. The reasons are set forth below.

Applicant's invention as claimed:

Regarding claim 1, a system for managing a computer system, comprising: (Klimenko: Abstract)
        a host computer system; (Klimenko: col. 3, line 28; "client PC")
        a management sub-system coupled locally to said host computer system, said management sub-system including a processor and memory (Klimenko: col. 3, lines 29-30; "network server"; col. 3, lines 36-39);
        a remote management console capable of communicating remotely with said management sub-system (Klimenko: col. 7, lines 26-27; "remote server");
        wherein said management sub-system is capable of receiving an image of a bootable program from said remote management console, and wherein said image is stored in the memory in said management sub-system and (Klimenko: col. 8, lines 23-28);

wherein said host computer system loads said image during its boot cycle, and executes said image as part of its boot cycle (Klimenko: col. 7, lines 47-56).

Regarding claim 2, the system of claim 1, wherein said host computer system includes a processor and a host ROM that is programmed to check the management sub-system for bootable images (Klimenko: col. 8, lines 59 - col. 9, line 11; col. 7, lines 47-56), and wherein said processor accesses said host ROM during its boot cycle (Klimenko: col. 9, lines 4-11).

Regarding claim 3, the system of claim 1, wherein said management sub-system comprises a computer card that may be installed within said host computer system (Klimenko: col. 7, lines 11-19).

Regarding claim 4, the system of claim 3, wherein said host computer system includes a system bus, and said computer card couples to said system bus (Klimenko: col. 7, lines 19-24).

Regarding claim 5, the system of claim 4, wherein said system bus comprises a PCI bus (Klimenko: col. 7, lines 19-24; col. 2, lines 61-66).

Regarding claim 6, the system of claim 1, wherein said management sub-system includes a network interface that enables said management sub-system to transmit and receive signals via a local area network (Klimenko: col. 8, lines 13-17; Fig 2A, tag 10).

Regarding claim 7, the system of claim 6, wherein said management sub-system couples to said remote management console via the local area network (Klimenko: col. 8, lines 16-23).

Regarding claim 8, the system of claim 1, wherein said management sub-system includes a modem that enables said management sub-system to transmit and receive signals via a telephone connection, and wherein said remote management console also includes a modem to facilitate communications with said management sub-system (Klimenko: col. 7, lines 11-12; where a modem is a network interface adapter).

Regarding claim 9, the system of claim 1, wherein the remote management console includes a console processor and peripheral drives capable of receiving storage medium (Klimenko: col. 8, lines 23-29; "associated client PC"), and wherein said console processor transfers data loaded in said peripheral drives to said management sub-system (Klimenko: col. 8, lines 23-29).

Regarding claim 10, the system of claim 9, wherein said peripheral drives include a floppy drive, and said console processor transfers floppy images to said management sub-system, and said management sub-system stores said floppy image in said memory in said management sub-system (Klimenko: col. 8, lines 23-29; and the examiner parallel's "associated client PC" as described in col. 8, lines 60-67 as having diskette drives and floppy diskettes).

Regarding claim 14, the system of claim 10, wherein said host computer system checks the management sub system on each boot cycle to determine if a floppy image (i.e. sufficient files) is present in the management memory (Klimenko: col. 4, lines 9-14).

Regarding claim 15, the system of claim 1, wherein said remote management console includes file transfer protocol client software, and said management sub-system includes file transfer protocol server software for supporting the transfer of said image from said remote management console to said management sub-system (Klimenko: col. 7, lines 29-41; col. 8, lines 23-27).

Regarding claim 16, a system for managing a computer, comprising:
        a host computer system (Klimenko: col. 3, line 27) including a processor (Klimenko: col. 8, line 80) and a
                bus bridge (Klimenko: col. 8, line 61), said bus bridge coupling
                said processor to a system bus (Klimenko: col. 8, line 61), and said system bus including at least
                one port for receiving a peripheral device (Klimenko: col. 2, line 64);

a management sub-system (Klimenko: col. 3, line 27, 28; "network server") including a management
processor and memory (Klimenko: col. 3, line 34), said management sub-system coupling to said
system bus via said port (Klimenko: col. 3, line 29);

a management console (Klimenko: col. 7, line 26) coupled to said management sub-system via a
communications link (Klimenko: col. 8, line 17), said management console including a console
processor and one or more peripheral drives (Klimenko: col. 8, lines 23-29; "associated client
PC"), and wherein said management console transfers images from said peripheral drive to said
management sub-system via said communications link and (Klimenko: col. 7, lines 29-41; col. 8,
lines 23-27);

wherein said management sub-system emulates a floppy drive (the examiner parallels this with a startup
device), so that the computer system checks the management sub-system during each boot cycle to determine if said
management sub-system includes a bootable image (Klimenko: col. 4, lines 9-14).

Regarding claim 17, the system of claim 16, wherein said one or more peripheral drives comprise one or
more of a CD-ROM drive, hard drive, and a floppy drive (Klimenko: col. 8, lines 64-67; "management console is
paralleled with "associated PC" that the administrator is operating from).

Regarding claim 22, a managed computer system (Klimenko: col. 3, line 27) capable of being controlled by
a remote management console (Klimenko: col. 7, lines 22-27), said managed computer system comprising:

a host processor; (Klimenko: col. 8, line 60)
a system bus coupled to said processor by a bus bridge; (Klimenko: col. 8, line 60-62)
a system memory coupled to said processor; (Klimenko: col. 8, line 60-62)
a management sub-system (Klimenko: col. 3, line 27, 28) coupled to said system bus (The server PC is
similar to a client PC in that it would have system bus for internal transfer of data. See Figure 6 for client system
bus. System buses are a means for communication inside a computer), said management sub-system including:
(Klimenko: col. 3, line 29; col. 8, 16-21)

a management processor; (Klimenko: col. 3, lines 34, 35)
a memory coupled to said management processor for storing software and data; (Klimenko: col. 3,
lines 33, 34; col. 4, lines 12-14)
a network interface for coupling said managed computer system to said remote management
console via a communications link; (Klimenko: col. 8, lines 13-19)

wherein said management sub-system is capable of receiving an image of a bootable program from said
remote management console (Klimenko: col. 8, lines 23-33), and wherein said image is stored in the memory in said
management sub-system; and (Klimenko: col. 8, lines 23-33)

wherein said host processor loads said image during its boot cycle, and executes said image as part of its
boot cycle (Klimenko: col. 7, lines 47-56).

Regarding claim 23, the system of claim 22, wherein said managed computer system includes a host ROM
coupled to said host processor, and wherein said processor accesses said host ROM during its boot cycle.
(Klimenko: col. 8, lines 59 - col. 9, line 11; col. 7, lines 47-56)

Regarding claim 24, the system of claim 22, wherein said management sub-system comprises a computer
card installed within said managed computer system. (Klimenko: col. 7, lines 11-19)

Regarding claim 28, the system of claim 22, wherein said host processor checks the management sub-
system on each boot cycle to determine if a bootable image is present in the memory coupled to the management
processor. (Klimenko: col. 4, lines 9-14)

Regarding claim 11,

The Klimenko reference teaches an apparatus that allows for remote control of a server, which stores images for a client to access upon boot up. The Klimenko reference does not utilize a flag that prevents the updating of the image from the server in case of no updating.

The Godse reference teaches with regards to claim 11, the system of claim 10, wherein said management processor transmits a control signal to said host computer system when a floppy image is stored in said management memory (Godse: col. 6, lines 27-31), and wherein said control signal sets a flag in said host computer system. (Godse: col. 6, lines 32-35; the policy file)

The Godse reference further teaches that the improved method for booting a computer allows greater flexibility and permits the computer to selectively boot from either non-volatile memory or from a remote location in case of a crash locally or remotely. (Godse: col. 1, lines 35-55)

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to create an apparatus that allows for remote control of a server that stores images for a client to access upon boot up as taught by Klimenko while incorporating a flag for customizing boot selection as taught by Godse in order to improve the method of booting a computer and allow for greater flexibility from selective boot choices. (Godse: col.1, lines 35-55)

Claims 12 and 13 are rejected under the same rationale given above. In the rejections set fourth, the examiner will address the additional limitations and point to the relevant teachings of the Klimenko and Godse.

Regarding claim 12, the system of claim 11, wherein said host computer system checks the status of said flag during each boot cycle. (Godse: col. 2, line 65 - col. 3, line 8)

Regarding claim 13, the system of claim 12, wherein said host computer system executes the floppy image during its boot cycle if said flag is set. (Godse: col. 3, lines 25-35)

The Klimenko reference teaches an apparatus that allows for remote control of a server, which stores images for a client to access upon boot up. The Klimenko reference does not explicitly state signaling the client when an image is present.

The Godse reference teaches with regards to claim 18, (the system of claim 17,) wherein said management processor transmits a control signal to said host computer system when a bootable image is received from said management console. (Godse: col. 6, lines 27-31)

The Godse reference further teaches that the improved method for booting a computer allows greater flexibility and permits the computer to selectively boot from either non-volatile memory or from a remote location in case of a crash locally or remotely. (Godse: col. 1, lines 35-55)

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to create an apparatus that allows for remote control of a server that stores images for a client to access upon boot up as taught by Klimenko while incorporating a signal for showing an update as taught by Godse in order to improve the method of booting a computer and allow for greater flexibility from selective boot choices. (Godse: col.1, lines 35-55)

Claims 19-21 are rejected under the same rationale given above. In the rejections set fourth, the examiner will address the additional limitations and point to the relevant teachings of the Klimenko and Godse.

Regarding claim 19, the system of claim 18, wherein said management sub-system further comprises a network interface that couples to a local area network. (Klimenko: col. 8, lines 13-17; Fig 2A, tag 10)

Regarding claim 20, the system of claim 19, wherein said local area network couples to said management console via a telephone line. (Klimenko: col. 8, lines 16, 17; telephone line is inherently a link for network connections)

Regarding claim 21, the system of claim 20, wherein said local area network couples to said management console via the Internet. (Klimenko: col. 8, lines 16-19; where the internet is inherently a network)

Regarding claim 25, the Klimenko reference teaches an apparatus that allows for remote control of a server, which stores images for a client to access upon boot up. The Klimenko reference does not explicitly state signaling the client when an image is present.

The Godse reference teaches, (the system of claim 22,) wherein said management processor transmits a control signal to said managed computer system when a bootable image is stored in memory coupled to the management processor (Godse: col. 6, lines 27-31), and wherein said control signal sets a flag in said managed computer system. (Godse: col. 6, lines 32-35; the policy file)

The Godse reference further teaches that the improved method for booting a computer allows greater flexibility and permits the computer to selectively boot from either non-volatile memory or from a remote location in case of a crash locally or remotely. (Godse: col. 1, lines 35-55)

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to create an apparatus that allows for remote control of a server that stores images for a client to access upon boot up as taught by Klimenko while incorporating a signal for showing an update as taught by Godse in order to improve the method of booting a computer and allow for greater flexibility from selective boot choices. (Godse: col.1, lines 35-55)

Claims 26 and 27 are rejected under the same rationale given above. In the rejections set fourth, the examiner will address the additional limitations and point to the relevant teachings of the Klimenko and Godse.

Regarding claim 26, the system of claim 25, wherein said managed computer system checks the status of said flag during each boot cycle. (Godse: col. 2, line 65 - col. 3, line 8)

Regarding claim 27, the system of claim 26, wherein said host processor executes the bootable image stored in the memory coupled to the management processor during its boot cycle if said flag is set. (Godse: col. 3, lines 25-35)

The Applicant Argues:

With regards to claim 1, applicant argues that the boot code of the NIC merely

establishes the network connection so that an operating system may be booted. Once the network

connection is made, the operating system is transferred from the server to the main memory of

the client PC.

In response, the examiner respectfully submits:

The client PC acts as the host computer (Kliemnko: col. 3, line 28; "client PC") and the

server acts as the management sub-system (Klimenko: col. 3, lines 29-30; "network server"; col.

3, lines 36-39). Applicant agrees that the NIC merely establishes the network connection to the

server in the same fashion that a client would establish a connection to a management sub-

system

The server (management sub-system) would receive the image or files to be transferred to

the client upon boot up (Klimenko: col. 8, lines 23-28) to be loaded or executed as part of the

boot cycle (Klimenko: col. 7, lines 47-56).

With regards to claim 14, applicant argues the image transferred to the management

sub-system and stored in the memory comes from a floppy.

In response, the examiner respectfully submits:

The server acts as the management sub-system (Klimenko: col. 3, lines 29-30; "network

server"; col. 3, lines 36-39). Klimenko teaches the files are transferred to the server are through a

remote interface from another PC (Klimenko: col. 8, lines 13-32). The server stores and deals

with image files which can be made accessible to the client (Klimenko: col. 8, lines 13-32).

Klimenko's invention teaches loading an image from a floppy is already well known in the art as

stated in the background of the taught invention (Klimenko: col. 2, lines 32-42). The

administrative PC would act as the floppy drive loading the image to the server (Klimenko: col.

8, lines 20-28). Klimenko also teaches peripheral drives capable of receiving storage medium

(Klimenko: col. 8, lines 23-29; "associated client PC"), and wherein said console processor

transfers data loaded in said peripheral drives to said management sub-system (Klimenko: col. 8,

lines 23-29).

With regards to claim 16, applicant argues Klimenko's NIC does not emulate a floppy

disk.

In response, the examiner respectfully submits:

The NIC activation is a step enables the connection the server (Klimenko: col. 7, lines 22-27) which emulates the floppy disk holding the image file or files (Klimenko: col. 7, lines 42-67).

With regards to claim 22 and 24, applicant argues the Klimenko reference does not teach or fairly suggest that a bootable image should be stored in the memory of a management sub-system coupled to a system bus. Applicant reads Klimenko just teaches downloading the bootable image directly to the Ram of the client PC (Klimenko: col. 11, lines 10-26).

In response, the examiner respectfully submits:

Klimenko teaches a server that acts as the management sub-system (Klimenko: col. 3, lines 29-30; "network server"; col. 3, lines 36-39). The server sharply reduces the need for client ram and cpu by centrally holding the resources (Klimenko: col. 3, lines 33, 34; col. 4, lines 12-14). The server holds the images on its memory (Klimenko: col. 3, line 27, 28), which is, coupled a system bus. The server is a computer much like the client with more resources (Klimenko: col. 3, lines 33, 34). The client is taught to have a system bus in Figure 6, it would seem a server PC would have one too.

Prior Art

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

U.S. Patent No. 6,021,331 by Cooper et al.

U.S. Patent No. 6,334,149 by Davis et al.

U.S. Patent No. 6,223,284 by Novoa et al.

U.S. Patent No. 6,240,166 by Collin et al.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin R Bruckart whose telephone number is (703) 305-0324. The examiner can normally be reached on 8:00-5:30PM with every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on (703) 308-6662. The fax phone number for the organization where this application or proceeding is assigned is (703) 746-7239.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-0324.

Benjamin R Bruckart
Examiner
Art Unit 2155

HOSAIN ALAM
SUPERVISORY PATENT EXAMINER

brb
January 14, 2004